

**ACCP Country Report- Belize**

**Strengthening State Accountability in Policing and Prosecuting  
Sexual Assaults**

**Antoinette Moore**

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## I. Executive Summary

The purpose of this study was twofold. One purpose was to learn and reveal the deficiencies in policing and prosecuting sexual assault offences in Belize. Secondly, the study was undertaken to recommend ways in which the system of policing and prosecuting these offences could be improved in this jurisdiction thereby strengthening the accountability of the state in relation to this category of crime. In the course of conducting this study, the author interviewed key informants, reviewed media accounts of rape and other sexual assault cases, observed rape and carnal knowledge trials and reviewed current sexual assault legislation.

In the last ten years, reports of rapes, carnal knowledge and other forms of sexual assaults in the country of Belize have increased. Even with these increases in the number of reports it is widely acknowledged and accepted that rape and all sexual assaults generally are underreported offences. Therefore we can conclude that there is an even greater amount of sexual assaults occurring in society than we officially know about through reports to the authorities. Many in law enforcement, the judiciary, and generally in society are alarmed by the increase in these offences and some have gone as far as to say that the rape of women and children has reached crisis proportions.

Despite the prevalence of sexual assaults in Belize, there is little understanding of the psychological and criminal nature of these offences and the offenders. The state has not given any special attention to the prevention of sexual assaults or how to advise and treat victims of these assaults. Unlike HIV/AIDS, human trafficking, domestic violence or other health care, crime and societal crises, there are no public service advertisements explaining assistance and services to victims. A public education campaign on rape and other sexual offences would help provide the community with a broader appreciation for what rape is, how to prevent it, and what to do in response if you or someone you know is raped. This type of campaign would reach and educate the same public from whom rape and sexual assault juries are selected.

Not only is there no deep understanding in society of sexual offences, there is an obvious need for special training of police and prosecutors who deal with sexual assaults as part of their work. There is no specialized training on how to handle and question child victims or women recently traumatized by rape. In the Police Department, these cases are dealt with initially through the Domestic Violence Unit, units which are usually staffed with female police officers. Apparently, the assumption is that simply by virtue of being female, the police officer will be better equipped to assist rape victims. While this may be true in many instances, regrettably, these female officers tend to not be the most experienced or trained personnel within the Police Department and thus not the best officers to investigate these offences.

The author of this report recommends that specially trained police officers be assigned to handle rapes and other sexual offences. It is further recommended that these officers form a nationwide unit within the Police Department that works closely together with each other and with prosecutors. It was noted by one informant (a Supreme Court judge) that it appears that once the police have arrested the accused that the police seem to no longer have any interest in the case and their disinterest is displayed during their testimony at trial.

Additionally, there is little or no forensic capability when investigating rape and other sexual assault cases. The police are left to merely record statements of the victim and any other possible prosecution witnesses. Since rape is generally an offence perpetrated in private, at trial these cases are often a matter of credibility with the victim's word against the word of the accused as sometimes the only evidence and almost always the determinative evidence. All informants interviewed agreed that in order for Belize to strengthen its ability to police and prosecute sexual offences, the use of forensic science at the investigative level must be dramatically increased and become an integral part of criminal investigations of rape and other sexual offences.

Furthermore, several informants pointed out that there is a significant amount of bribery and attempted bribery of victims and victim's families by accused in sexual offence cases. Often, this results in the withdrawal of charges by the virtual complainants prior to trial. The Director of Public Prosecutions highlighted the request by victims to withdraw charges or stop proceedings before their cases reach trial as a serious problem in fighting the scourge of rape and other sexual offences. Other reasons uncovered for complainants not wishing to proceed to trial include the accused or those acting for him intimidating the victims; the accused promising to marry the victim; and the victim's fear of being re-victimized and publicly embarrassed at trial. There needs to be more aggressive investigation and prosecution of allegations of bribery and witness intimidation.

With respect to the prosecution phase of sexual assaults, again there is no specialized training of the lawyers who handle these cases neither are any particular lawyers assigned to handle these cases. The author recommends that a specially trained dedicated sexual assault unit be created in the office of the Director of Public Prosecutions. Belize's extremely high murder rate often overshadows rape and sexual assault in an overworked understaffed prosecutor's office. With a unit that exclusively deals with sexual assaults, as exists in some jurisdictions, the lawyers could work closely with the police and other service providers (medical practitioners, counselors). In this way, the victim would have the support of a team of people working together rather than uncoordinated individuals who perform their isolated role but may not see or feel committed to the whole picture to which they are contributing.

There is no mandatory counseling for victims or perpetrators. One mental health therapist interviewed who has counseled numerous adult and child rape victims said that when victims do not receive counseling that the possibility of conviction is reduced because the victim is not emotionally prepared to confront, testify or even see the accused at trial. There are not sufficient numbers of trained counselors for the increasing number of victims. Moreover, mandatory counseling raises a cost implication that needs to be addressed by the State. Unquestionably, counseling is a key component to holistically assisting sexual assault victims as well as treating perpetrators.

Sexual assault trials are open to the public and even when the victim is a minor; it is solely within the judge's discretion whether or not to hold the trial in camera. These trials should be in camera. Also, when an accused is unrepresented at trial, he has the right to and is permitted to cross examine the victim. In the case of victims who are minors, in particular, this often re-traumatizes them. The accused should not be allowed to directly question child victims. Their questions should be submitted in writing and asked through the presiding judge.

Where accused are convicted, sentences imposed in sexual assault cases are often disproportionate to the gravity of the offences and the injury to the victim. There is a need to do a comprehensive overhaul of sexual assault sentencing in comparison with other countries in the region and worldwide. There is no victim compensation embedded in the criminal law thus no compensation is contemplated for sexual assaults victims. In vehicular manslaughter or causing death by careless conduct cases, the judge may order convicted persons to pay monetary compensation to the family of the deceased in addition to the payment of a fine to the court. The only other example of victim compensation written into Belize's criminal law is for the offence of human trafficking.

Finally, the relevant laws need to be strengthened. The author proposes that a comprehensive Sexual Offences Act be drafted and enacted. This new act can address the obvious lacunas in the current sexual assault laws, including that non-consensual anal intercourse does not constitute rape and that non-consensual oral sex is not specified as an offence in Belize. Importantly, another major deficiency in Belize's sexual offence laws that may be remedied by a new and comprehensive law is including a provision for the rape of males under the rape statute. Under the current law, both consensual and non-consensual homosexual intercourse is equally criminalized as an Unnatural Crime.

## II. Introduction

A University student is gang raped by the male students who offer her a ride home from campus, a seven year old is raped by her babysitter's husband, a pastor, a 21 year old American studying in Belize is raped in a isolated football field by a man who had recently befriended her, a 79 year old woman is brutally raped and brutalized in her home, a ten year old girl is raped, beaten and left for dead by a man who she knew and trusted, a 13 year old is raped by a policeman while she is in custody overnight at the Police Station; a distraught high school girl tells her teacher that her father has been having sex with her for years and she cannot take it anymore.

The above are only a few examples of the numerous sexual assault cases that have been reported in the country of Belize in the last few years. The victims are from 7 to 79, with even younger victims continually emerging. The perpetrators--fathers, husbands, pastors, teachers, university students, and policemen are from all walks of life. Rape, carnal knowledge and other forms of sexual assaults against women and children are pervasive in Belize, as in other parts of the Caribbean. In fact, the growing numbers of reported sex crimes (universally acknowledged as under-reported offences) is so disturbing that the Chief Justice of Belize has twice highlighted the trend in his report on the judiciary at the formal annual opening of the Supreme Court of Belize.

The stories and the cases are so common that the public has become accustomed to rape and carnal knowledge as a routine part of the weekly news. It is feared that the frequency of hearing about these crimes has resulted in a de-sensitization of the public to the victims and their trauma. Some even say that there is now an expectation that children in Belize will be sexually abused because sexual predators are hard to detect and identify and we can no longer protect our children from this seemingly pervasive danger. Adult women who allege that they have been raped are often looked upon suspiciously and blamed for their predicament. The public is a great deal less sympathetic of older teenagers and adult women who have been raped than victims under 13 years.

Yet as common as sex crimes have become, the reasons for these types of offences are not well understood by most segments of society, including those charged with investigating the offences and prosecuting the offenders. In fact, the crimes are grossly misunderstood. You will hear men and women say, "why would he rape her, he could have any woman" or "who would rape she, she nah look good." The idea that a sex crime is about sex or the attractiveness of the victim or what type of clothes she wears misses the point. However, without broad public education and targeted training for service providers we cannot expect insightful informed understanding about these offences. Rape and carnal knowledge juries are comprised of persons chosen from this same public, some of whom hold these biases and erroneous ideas.

The mother of two incest victims said that her husband had a problem with women, hated them and wished only to control and hurt them. She said that he had physically abused her throughout their 24 year marriage. Also, according to her, he routinely had difficulty in employment situations where he was not in a superior post to female co-workers. This woman's close and long term personal experience with her husband helped her to understand the psychological makeup of a rapist. That rape is a crime of violence and power that uses sex as a vehicle of control is a complex phenomenon. The fact that rapists resent, disrespect and sometimes hate women needs to be understood. The highly emotional, psychological and sensitive component of this unique crime is difficult to grasp not only for the public but also for the police and prosecutors who are charged with investigating the crimes, protecting the public and putting the perpetrators away.

Governmental agencies, through the media, workshops and other forums, have focused the public's attention on understanding, preventing and responding to domestic violence, human trafficking and other criminal offences. Nothing of this sort has been done in relation to rape. There is inadequate, if any, attention given to educating people about sexual crimes in Belize. There is no special status assigned to these crimes and therefore an offence of a peculiar nature which requires specialized treatment is handled as any other crime would be, leading to a plethora of problems.

This report seeks to point out the deficiencies in investigating and prosecuting sexual assault cases in Belize so that we may increase reporting of these crimes, increase the conviction rate in respect of these offences and minimize the trauma for sexual assault victims throughout the process. Based on examples from cases and the views and experiences of key informants who were interviewed, the report provides a window into how sexual offences are dealt with at different stages in Belize. Finally, the report provides recommendations from the author and key informants for improvements in policing and prosecuting sexual assaults.

### III. Methodology

The author conducted interviews with key informants, including sexual assault victims and their families, judges, members of the Belize Police Department (BPD), the Director of Public Prosecutions (DPP) and Crown Counsel, jurors from rape and carnal knowledge trials, a hospital administrator, a Women Development Officer in the Women's Department, Ministry of Human Development and Social Transformation, and a trained mental health therapist.

Additionally, the author reviewed newspapers and other media accounts of sexual assault cases and observed rape and other sexual offence trials over a three month time

period. Finally, the author reviewed all legislation in Belize related to rape, carnal knowledge and other forms of sexual assault.

#### IV. Key Informant Interviews -Sexual Offences in Belize

The difficulties in policing and prosecuting sexual offences run throughout the entire process like a thread deeply and intricately woven into the criminal justice system. All informants interviewed held the view that the problems in the system were many and profound and require immediate sustained attention and resource allocation by the State to reduce and ultimately remedy these problems.

##### a. High numbers and underreporting of sexual assaults

To begin with, there are a high number of sexual assaults in a relatively small jurisdiction. According to the last census, Belize's population is 311,000. Half of the country's population is under the age of 18 years and sixty percent are under 21 years old. According to the Chief Justice's Annual Report on the Judiciary, sexual assault cases that wound up in the judicial system rose from 95 to 284 in a ten year period. Many ask if the increase in the number of cases is because there are actually more instances of rape, carnal knowledge and incest or merely more reporting as women and communities overall become more aware of their rights and how to protect themselves.

Despite the consistently increasing high numbers of reported sexual assaults, there is a lack of reporting of these types of offences which means that there are actually many more sex offences occurring than ever come to light. Rape is probably the most under-reported of all serious crimes. The underreporting phenomenon is experienced in most countries. The reasons for the underreporting of these offences are many, including fear of retribution by the rapist, shame of the victim, concern and hesitation about confronting the rapist in court, fear of public humiliation, especially pronounced in small communities, having to repeatedly re-live a traumatic incident, and lack of confidence in the police and judicial system.

Most informants were of the view that increased state accountability in this area of criminal justice would result in increased reporting and follow through of cases by victims. Some suggested that public education campaigns, such as have occurred for HIV and AIDS and domestic violence would encourage reporting and also help to reduce the shame associated with being a rape victim.

##### ii) Withdrawal of cases before trial

When these offences are reported,



“...approximately half of all sexual offences are not advanced to the point of prosecution. This means that the cases are withdrawn by the DPP. One of the primary reasons for the withdrawal of cases is the complainant’s unwillingness to testify or proceed with the case.” (The Commercial Sexual Exploitation of Children and Adolescents in Belize, ILO, 2006)

One of the primary reasons key informants say that victims and mothers of victims, in the case of minors, are unwilling to proceed to trial is because the accused has promised to pay or has paid them money in exchange for their silence. Bribery and attempted bribery in sexual assault cases is common place. All of the families of minor victims interviewed for this report, had some experience with attempts at bribery or suspected pay offs to the police by the accused. Each family felt that pay offs by the offender to the police was a major factor in these cases being lost at trial because of lost evidence or the victims not being summoned to court by the police for a crucial court date.

None of the families interviewed for this report had accepted any money but one mother had been offered a bribe by a police officer on behalf of an accused rapist who was also a police officer. During the course of the carnal knowledge trial, the parent reported the attempted bribe to the court. The presiding judge instructed the Crown Counsel to follow up on the matter. The Crown Counsel advised the mother to report the attempted bribe to Internal Affairs within the Police Department. The mother explained to me that she had not followed up because she was unable to travel to Belmopan where Internal Affairs is located and she thought it unnecessary since she had already reported the matter to the local police and to the court.

The Director of Public Prosecutions (DPP) also expressed the opinion that bribery was a serious and often encountered factor in the large number of rape and carnal knowledge cases that did not get to the trial stage. In fact, the DPP said that she saw the number of sexual assault cases going to trial as a greater problem than the perceived low conviction rate in these cases. The DPP stated that because of the nature of the offences suffered by the victims, it would be inappropriate to pressure them into testifying when they no longer wish to pursue the prosecution of the perpetrator. Thus, the DPP said it is difficult to push these matters to trial if the victim is no longer willing.

Moreover, in cases where the accused is the family breadwinner, such as in some incest cases, the financial status of the family without the income of the

accused becomes a significant, if not, determinative factor whether the case is lodged at all and if lodged whether it is pursued. In one well documented case in the Cayo District, a mother reported her husband several times for raping his daughters. The police and prosecutors who dealt with the mother observed that she was extremely conflicted about reporting her husband not because he was her husband or the father of her children but because she feared losing the financial support he provided the family. She voiced her concern frequently about who would support the family if her husband were sent to prison. Ultimately, after the husband had been twice arrested and the wife had twice persuaded her daughters to recant their accusations, the father was arrested yet again.

On this final occasion, the father once again did not make it to trial but it was not because the mother and daughters refused to cooperate with the police but because the father was found dead in his cell. There was speculation that someone who had access to the father while he was locked up awaiting arraignment decided to take the law into their hands and end the tragic cycle of accusation, arrest, and recantation.

Another one of the main reasons given why victims or their families do not proceed to trial in these cases is fear of retribution by the offender. Threats of harm and even death are often given as the reason why an initial rape report is not made or why it may be made and then not followed up upon. Interference with the victim is a main reason to deny bail; however, most accused sex offenders get bail long before trial even when bail is not granted at the initial stage.

In another category of cases, the accused marries the victim or promises to do so in order to avoid prosecution and possible conviction. In these carnal knowledge cases, of course, the victim or her family advises the prosecution that they no longer wish to proceed to trial under the new circumstances. One informant told of a case where the promise of marriage resulted in withdrawing a carnal knowledge prosecution but after the marriage did not happen, the family wanted the man rearrested and charge re-instituted.

### iii) Advocating for Increased State Accountability and Assisting Victims

Various sectors in Belize are seeking increased accountability from law enforcers and law makers in the area of sexual assault. They are dissatisfied with the amount of time cases take to get through the system, the outcome of cases, the sentences handed down, and the overall treatment of victims and their families. Individuals and organizations are marching, writing letters, submitting petitions to the government to improve the system.

This type of activism has resulted in changes in the law and increased public sensitivity to the crimes, the victims and their families. Two men's groups have recently formed with the aim of advocating for greater protection and support of victims of sexual assault, especially child victims.

In many instances, victims are not in the financial position to pay for counseling to assist them in dealing with the trauma and emotional scars that follow a rape. There are inadequate free counseling services available for victims. The services that are available are not in the rural areas of the country and require that persons be able to travel to access the services. Also, according to a key informant who is a therapist, there are few counselors and therapists in Belize who have the specific training to work with sexual assault victims. There is increased awareness that survivors of sexual assault require counseling to prepare them for the trial as well as the healing process. The State must therefore incorporate counseling as a mandatory part of policing and prosecuting sexual offences.

#### V. Process in Sexual Assault Cases

##### a. Police Investigation of Sexual Offences

Although rape, incest and carnal knowledge are indictable offences, the Police Department in many respects does not consider or treat these offences as "serious" crimes. Rather than having the Criminal Investigation Branch (CIB) and other serious crimes units within the Police Department handle sexual assault cases, the Domestic Violence Unit generally deals with these cases. It is thought, not incorrectly, that a female officer should and is better equipped to take statements from and accompany sexual assault victims to the hospital. The Domestic Violence Units in most police formations are staffed with less experienced female officers. These police officers are not detectives and are generally not officers with specialized investigative training. They also tend to be transferred from unit to unit apparently without consideration for continuity or who will replace them. So while the female officers in the DVU may have the sensitivity to record the statement from the victim and accompany the girl or woman to the hospital, they generally, as the system currently operates, do not have the skills and experience needed to rigorously investigate the cases as serious offences and prepare them for prosecution.

As is the situation in most developing countries, Belize does not have the capability to collect and use forensic evidence in investigating sexual offences. The State says that the cost of DNA analysis is greater than it can afford. The use of DNA evidence would obviously assist in the investigation and prosecution of these cases. For example, there are cases in which young children who are too young to testify in court have been raped. These children in some instances say who has violated them but their testimony

will not be accepted. In those cases, the offenders would not walk if the police forensics labs had the capacity to conduct DNA analysis of the semen specimen taken from the child.

At present, the evidence the police collects in sexual assault cases center on statements from the victim and anyone who she may have told about the assault in its aftermath.

The Evidence Act, chapter 95 of the Laws of Belize, states:

96.- (1) The particulars and details of a complaint made soon after the commission of an alleged offence in the absence of an accused person by the person in respect of whom the crime is alleged to have been committed may be admitted in evidence in prosecutions for rape, indecent assault, other offences against women and boys and offences of indecency between male persons.

(2) Such particulars and details are not to be taken in proof of the facts in issue, but merely as showing the consistency of the conduct of the person complaining and supporting his credibility.

One informant noted that the police often fail to take statements other than from the victim and those who she complained to shortly after the commission of the crime. An example of this was given of a woman running into the street half naked after she was raped. Even though there were bystanders in the street who saw her clutching her clothing trying to cover herself, the police failed to record statements from any of these individuals. While these statements would not have been eyewitness testimony, they certainly would have assisted if the only evidence was the woman's word against the word of the accused.

Where a sexual offence is reported to the police first, the victim is taken to the hospital for examination and treatment. If the victim has gone to the hospital first, the hospital officials are required to notify the police. According to informants in hospital administration, the hospitals and police do not have the needed level of coordination in these cases nor do they have written protocols directing them how to conduct themselves. Thus, haphazard and arbitrary treatment occurs from district to district and case to case.

For example, in one of the six districts, after the police take a sexual assault victim for the required medical exam, they routinely refer her to the psychiatric nurse because it is hospital procedure in that particular district hospital. This evidently is not procedure in each of the district hospitals and does not happen in each district hospital. Even in the district where routine referrals of rape victims to the psychiatric nurse do occur, the nurse is not trained in counseling sexual assault victims. A report from the psychiatric nurse said, "Mrs. A was referred by Cpl. B on March 4, 2008 for assessment. Mental Health Assessment done, client was found to be suffering from emotional trauma

after she confirm that she was raped three days ago. I recommend further counseling therapy for six months.” Without the authorities being mandated to follow up, this matter will fall through the cracks. The recommendation for further counseling is made but to whom is the victim sent when there are no counselors to provide the necessary service. Besides the needed counseling for the victim, any possible use of the report for prosecutorial purposes is lost as well.

The Police Department has recently adopted the use of a new medico-legal form. The form is provided by the police and is completed by the examining doctor. It states what injury is observed and also what level of injury the patient has suffered. One informant noted that these new forms do not add a great deal to the handling of rape and carnal knowledge cases since typically the doctor simply notes on the form whether the individual was carnally known or not, also indicating whether there is a recent hymen tear. The mere introduction of a new form is not enough, there is an obvious need for training in the use of the new form.

The police have no special training in understanding and investigating sex offences, interviewing and recording statements from victims of sex offences or in questioning perpetrators of sex offences. These deficiencies are apparent when analyzing rape cases. Training may not solve all of the problems in the system of policing but concentrated and sustained training would go a long way towards improving the abilities of the police in investigating sexual offences.

#### ii) Prosecution of Accused Sex Offenders

According to the DPP’s office, one of the difficulties in sexual assault cases is the length of time between the offence and the trial. A young girl of 10, 11 or 12 may be a developed mature looking teenager of 13, 14 or even 15 by the time the case reaches a jury. The DPP’s office receives the file in sexual assault cases, as in all criminal matters, from the police. The DPP’s office reviews the file and provides instructions to the police on further evidence that it believes is needed to secure a conviction from a jury. If, for whatever reason, the file does not reach the DPP’s office until late in the evidence gathering exercise, it may be too late or extremely difficult to locate and interview witnesses or obtain other critical evidence. Several key informants commented that the length of time between the offence and the file getting to the office of the DPP and then to trial is a significant failing in the process.

Sexual assaults usually occur with only the offender and the victim present. Unlike in a murder where there may be eyewitnesses or in the armed robbery of a shop where not only the shop owner but also customers may be present, rapes almost always happen in seclusion with no witnesses. Consequently, the cases often come down to the evidence of the victim against the word of the accused. The accused either admits having

engaged in sexual intercourse with his accuser but claims that the sex was consensual or he will deny the act altogether. In many cases, where the parties know each other and even may have been intimate with each other previously as well as in “date rapes,” the prosecution has an uphill challenge to persuade a jury that the sex act was not consensual.

Another difficulty in prosecuting sex offence cases arises where the victim shows no sign of physical force, no vaginal tearing or bruising, no injuries that would convince a jury that she was indeed forced to have sex. There are even cases where a woman realizing she is about to be raped, asks her attacker to use a condom. Although the law is clear that a woman may submit to rape because she is afraid and in an attempt to avoid injury or death, in those circumstances juries often will not believe that a rape has occurred or may have sufficient doubt that it occurred resulting in an acquittal of the accused.

In 1998 the Evidence Act was amended to read:

92 (3) Where at a trial on indictment –  
(a) a person is prosecuted for rape, attempted rape, carnal knowledge or any other sexual offence, and the only evidence for the prosecution is that of the person upon whom the offence is alleged to have been committed or attempted; ...  
the judge shall, where he considers it appropriate to do so, warn the jury of the special need for need for such caution.

Another issue in the prosecution of sexual offences is where the accused offender is a minor and the victim is also a minor. In most of these cases the accused and victim are boyfriend and girlfriend. There was one such case in which the family of the victim learned of the sexual relationship and reported it to the police. The boy readily admitted to the police that he had sexual intercourse with his girlfriend, having no idea that he was admitting to an indictable offence that would land him in prison. The difficulty is that even where the accused is not the culpable stereotypical rapist, the prosecution is bound to proceed to trial as long as the family of the minor girl insists on the case going forward.

Closing court during the trial of sexual offences is an issue that was also raised by several informants. There is no legal requirement that these cases be held in camera unless the accused is a minor. It is left to the discretion of the presiding judge whether or not to conduct trials in camera. Most trials are public. Some trials where the victim is a minor are held in camera. The prosecutor must apply to the court for the case to be closed. Some prosecutors are aware of the victim’s need for privacy and the sensitivity of the case while others are not. This is a delicate question since there is the need to balance the rights of the accused to a public trial with the rights of the victim to privacy.

When the courts are open to the public, members of the media are present to report on the trials. The name of rape victims are not published in the media although in small communities it is often well known who the victim is despite the attempt to protect

her. Even though victim's names are not used, the media can undermine the seriousness of the offence. On a television news report of a recent rape case, the reporter began by saying "Juicy tidbits came out in the rape trial of ...today." Calling the details of a violent criminal offence "juicy tidbits" is not only inappropriate but more than likely would also be painful for the victim and her family. On another occasion, the newspaper article headline reporting on an indecent assault case was "Court Says No Touchy, Touchy." Juries, even when instructed by judges to disregard the media, are exposed to this profound insensitivity.

Currently, there is no unit in the DPP's office that exclusively handles sexual assault prosecutions although the DPP has proposed that at least one Crown Counsel be dedicated to these types of cases. The Crown Counsels receive no special training in how to interview child victims of rape or carnal knowledge. Crown Counsels also have no specialized training in dealing with adult rape victims. In a country with one of the highest murder rates per capita in the world, it is understandable that much of the prosecution efforts and resources are devoted to prosecuting and convicting murderers with sexual assaults being given less attention, even if unintentionally.

The complaint most often heard by victims and their families is that the process from arrest of the accused to trial takes too long. This observation was made by several of the key informants interviewed for this report. Many see this as the fault of the police, others see it as the prosecutions burden to expediently push the cases to trial. Most victims simply say it is the system that fails them with respect to the length of time they must endure to have the trial heard and concluded. Here, too, specialized training and personnel will assist in streamlining the process in these cases and reducing the amount of time they take to reach the trial stage.

### iii) Sentencing

Sentencing issues arise where cases proceed to trial and the accused is convicted. The sentence for rape is from 8 years to life, for carnal knowledge it is from twelve years to life and for unnatural crime it is ten years.

Typically, sentences for rape and carnal knowledge are in the range of 8 to 12 years. In a recent case where a man was convicted of several counts of incest and aggravated sexual assault against his young daughter over many years, the judge sentenced him to serve 19 years in prison. A few years ago, a judge sentenced one convicted rapist to 25 and another to 27 years. Both of these sentences were reduced by almost half on appeal, with the Court of Appeals saying that the long sentences imposed was out of the range typically given in this jurisdiction.

Since non-consensual anal intercourse does not constitute rape in Belize, the offender in those circumstances would be charged with unnatural crime. The maximum

sentence for unnatural crime is ten years. This is unsatisfactory, particularly since most offenders do not serve their entire sentence but half to two thirds of the sentence. Since non-consensual anal intercourse does not constitute rape in Belize, the offender in those circumstances would be charged with unnatural crime. The maximum sentence for a man convicted of unnatural crime is ten years. This is unsatisfactory, particularly since most offenders do not serve their entire sentence but half to two thirds of the sentence. Where an offender is convicted of indecent assault or aggravated assault of a sexual nature, it is likely they will do no jail time at all but rather be fined an amount of money.

## VI. Sexual Assault Legislation

Unlike, Belize's Domestic Violence Act and the Protection Against Sexual Harassment Act, the sexual offence laws in Belize are not gender neutral. "Rape is the carnal knowledge of a **female** of any age without her consent." Belize's sexual offence laws do not include the offence of carnal knowledge of an underage male by a female nor do the laws recognize the offence of male on male rape. In the latter instance, the only offence that could be charged against a man who rapes another male is unnatural crime. The law does not define unnatural crime other than "carnal knowledge against the order of nature." It says, "Every person who has carnal intercourse against the order of nature with any person or animal..." The offence of unnatural crime also criminalizes consensual homosexual conduct among adults. Newspaper accounts use the term "buggery" or sometimes "sodomizing" where a boy or man has been sexually assaulted by another male.

Likewise, anal rape of a female by a male does not constitute rape under Belize law. Here too the crime of unnatural crime is the only recourse where anal rape has been committed. Upon conviction of unnatural crime, the law provides for a sentence of ten years and no more. Unlike in rape or carnal knowledge convictions where the sentence may be substantial, unnatural crime has a relatively light sentence. This is especially true when you consider that most prisoners do not serve the term of their full sentence but two thirds or sometimes less depending on their conduct and other circumstances.

An essential element of proving rape and carnal knowledge is penetration. Although the law does not specify vaginal penetration, it is clear that this is the only type of penetration that legally constitutes rape. The law says that even the slightest degree of penetration will satisfy the legal requirement. One of the lacunas in the law is where an offender forces a victim to perform oral sex on him. This conduct clearly does not constitute rape as the law is currently written because there is no penetration. Non-consensual oral sex is not specifically covered anywhere in the law. The only option to hold the offender liable is to charge him with aggravated assault. There is no mandatory confinement if found guilty of aggravated assault.



In a recent case, where a man “was convicted of breaking into a teenaged girl’s apartment and fondling her while she slept” he was sentenced to pay a fine of \$1000 for the aggravated assault of a sexual nature, \$2000 for burglary and \$400 for causing harm to the victim’s private parts. This case is instructive for several reasons. It demonstrates the gap in the law to cover the circumstance where no penetration has occurred. It also shows the huge discretion that a judge has in imposing punishments upon a sex offender. The other aspect of this case that was informative is that the offender’s lawyer submitted to the Magistrate, in mitigation, that his client had committed the act because he had been drinking an energy drink laced with alcohol and this had affected his judgment. The fact that the lawyer thought it was an appropriate excuse to give the court for why his client broke into the young woman’s home and sexually molested her is again a telling commentary on how sex offences are viewed in society.

In 1999, the legislators added marital rape to the string of sexual offences that a man may be charged with in Belize. Under this law, a husband may be charged with marital rape if he forces his wife to have sex with him and they are separated, have a separation agreement, divorce proceedings have been instituted, there is a protection order in place or the sexual intercourse is preceded by or accompanied by or associated with, assault and battery, harm or injury to the wife. The marital rape law does not include ‘common law unions’. Amending the rape law to include marital rape was controversial among Belizeans. It was a progressive advance in this area of the criminal law, even with its obvious limitations. However, in the ten years since the enactment of this amendment, it has rarely been used. The scope of marital rape law should be expanded in a Sexual Offences Act.

A revision of all sexual offences needs to take place and a Sexual Offences Act drafted and enacted to include all sexual offences, including the offences that are currently missing. There are regional precedents that may assist Belize in this endeavor.

## VII. Societal Responses to Sexual Assaults

Men for Social Change (MSC), is one of two men’s groups in Belize that has grown out of what many consider a crisis in the number of sexual assaults in Belize. The organization took root after three men in as many months in the Stann Creek District of Belize were charged with incest. Although rape and carnal knowledge have become commonplace in Belize, incest is still relatively rare. In the eyes of the public, incest is the most despicable and least understood of all sexual assaults. Where some view other sexual assaults as excusable—the girl enticed the older man; the woman was asking for it; she had on a very short skirt or tight pants; alcohol impaired his judgment—there can be no excuse for an act of incest. It is intolerable.

In the back to back incest case, the community was outraged at the fact that the local Magistrate offered bail to one of the men accused of incest. MSC held rallies and other public demonstrations to express their concern about the numbers of sex cases, the disposition of the cases, and the inconsistency and seemingly arbitrary decisions on bail

for the accused. MSC became a voice for the dissatisfaction of an entire community on the issues surrounding sexual assaults in Belize.

Fathers Against Sexual Exploitation and Abuse of Children (FASEAC) is another organization formed in the last several years to address the frequency of sexual assaults against children and the inadequacy of the criminal justice system to handle them. The organization is based in Belize City and most recently held a public march and demonstration there after a jury acquitted a pastor who was tried for raping a 7 year old girl. FASEAC is circulating a nation wide petition asking for governmental action on sexual assaults, including the strengthening of the DPP's office. See appendix B.

In recent legislation, Act No. 5 of 2008 amended the Crime Control and Criminal Justice Act, chapter 102 of the Laws of Belize, R.E. 2003 to include the crime of Carnal Knowledge of a Girl under sixteen as one of the crimes for which Magistrates may not offer bail to the accused. There had previously been persistent public complaints that the Magistrate's discretion with respect to bail was arbitrarily applied and some persons accused of carnal knowledge received bail while others did not with no apparent rhyme or reason.

Another issue raised by the father's groups is the public identification and monitoring of convicted sex offenders after their release from prison. The groups have also called for public education on how to identify attributes of possible predators, molesters, and pedophiles.

## VIII. Conclusion

Most would agree that the criminal justice system is currently not working well for sexual assault victims nor for society as a whole with respect to these offences. The system is in dire need of institutional strengthening to bolster the public's confidence in the system's ability to assist victims, investigate and respond to sex crimes and ultimately to administer justice in these matters. Victims will not report if they believe they will be ridiculed and tormented and that ultimately the case will come to naught but only after she has been made to suffer emotionally throughout the process. Sex offenders will not be convicted if the cases take so long to get to trial that witnesses have faulty memories or victims have moved out of the jurisdiction and no longer wish to return to face the trauma of a trial.

Society will acknowledge that the necessary institutional strengthening has begun to take hold when there is a reduction in the number of sexual offences, an increase in reporting of assaults that occur, appropriate and consistent assistance provided to victims, more cases making their way through the system and there is an increase in the conviction rate in sexual offences.

Currently, there is insufficient attention given to sexual assaults at all levels inside and out of the criminal justice system in Belize. Those who deal with these cases have a lack of understanding about the nature of these types of offences and therefore an inability to appropriately deal with the offences, the offenders and the victims. There is inadequate training of police, prosecutors and others who deal with victims and perpetrators of sexual assaults. There is not only the need for improved and more targeted training but also for ongoing training because of the high turnover of police and others service providers.

Beyond a comprehensive ongoing training programme for police, prosecutors and others involved in sexual assault cases, there is an obvious need for specialization in the Police Department and in the DPP's office in the area of sexual offences.

#### IX. Recommendations

The following are recommendations from the author. Thereafter are recommendations from key informants interviewed for this report.

1. Create a **Public Information campaign** on what is rape and what to do if raped e.g. not bathing, going to the hospital immediately, telling someone you trust as soon as possible what has happened to you. Other public information campaigns on human trafficking and AIDS for example are credited with increased public
2. A **dedicated unit in the DPP's office** that exclusively handles sexual assaults and closely coordinates with specially trained police who deal with sexual offences
3. **Consolidate the sexual assault laws** into one Sexual Offences Act (similar to how the Families and Children Act, 1998 brought all laws related to families and children into one act)
4. **Include in law non-consensual anal and oral rape and rape or sexual assaults against males**
5. **Review sentencing, include victim compensation**
6. **Rape Kit at hospitals** and ongoing training on the use of rape kits and significance of medical testimony in sexual assault cases
7. **Written protocol for hospitals** in dealing with sexual assault victims
8. **Written protocols for police** on sexual assault investigation
9. **Coordination between hospitals and Police Department**
10. Assignment (through hospital, police or prosecutor) of a **counselor to each sexual assault victim**
11. **Training and hiring of counselors in each district**
12. **Ongoing training of special police officers** to handle rape cases (keep these officers in units dealing with sexual assaults)

13. **Ongoing training of all prosecutors** in preparing and questioning child and other victims of sexual assaults
14. **Vigorous prosecution of bribery** attempts in these cases and increased penalties for bribery
15. **Maintenance and aggregation of sexual assault data**
16. **Creation of a committee** comprised of police, prosecutor, counselor, hospital personnel, Women's Department, etc. who meet monthly to monitor cases and handling of sexual offences for a specified period to assess improvement in system.

#### SUMMARY OF RECOMMENDATIONS (DPP's Office)

1. The police must be much faster at getting case files to the DPP.
2. Bribery must be more effectively exposed and prosecuted.
3. Rape ought to be treated as a major crime alongside murder so that the best investigating officers work on these cases.
4. A special police unit dealing solely with sexual offences should be created and staffed by officers specially trained in this area.
5. Police Officers who are of the right disposition ought to deal with child victims and they should also be given special training on how to deal with these cases.
6. Medical Reports need to be redrafted to ask more appropriate and useful questions in sexual offence cases.
7. Doctors need to be trained to complete these Medical Reports more fully and accurately.
8. Hospitals as well as the police should have rape kits.
9. Support groups or homes for victims of violence or sexual abuse at home are needed.
10. The Department of Human Services ought to support and assist not just child

victims but also adult victims from investigation through to trial.

11. There ought to be more restriction on the media reporting of cases involving sexual offences.
12. All court rooms in sexual offences cases should be closed or at least restricted to those directly connected to the case.
13. ID parades do not need to be mandatory in all cases if the identity is obvious, because the police take a long time to organize these.

**SUMMARY OF RECOMMENDATIONS (Senior Police Officer at Training Academy)**

1. There ought to be a standardized nation-wide protocol on how to deal with sexual offence cases.
2. More trained female officers need to be assigned to this area of policing.
3. Sexual assault units ought to be created in other areas of the city and not just Belize city and these need to be staffed by specially trained and experienced officers.
4. A detective allowance should be given to the domestic violence unit.
5. One-way mirror ID parades should be standard practice across the country.
6. The investigating officers need to be much more efficient at referring cases to the DPP.
7. It ought to be mandatory that the same investigating officer deals with the case from beginning to trial.
8. A counseling unit is needed to assist all victims, particularly child victims.
9. Only experienced and specially trained officers should be assigned to investigate these cases.

10. There ought to be a career path for officers to become specialised sexual offence investigating officers.
11. The training at the police academy ought to be longer and more detailed, particularly with regard to sexual assault policing.
12. Bribery in these cases (in particular police bribery) ought to be exposed and prosecuted.
13. Training from abroad should be utilized so that Belize can learn the lessons of other jurisdictions.

**SUMMARY OF RECOMMENDATIONS (Parents of a minor rape victim)**

1. Children must not be kept in the Police Station lock-up (this couple's daughter was raped by a police officer while she was held in police lock up overnight).
2. There must always be at least two Police Officers on duty at any one time (one of whom must be female)
3. Police Officers must be better trained to deal with these reports seriously and sensitively.
4. There ought to be somewhere other than the Police Station that the victim can go to report crimes that the police themselves have committed.
5. Police bribery must be exposed and investigated both by the police themselves and the prosecution.
6. Perpetrators of these kinds of offences ought not to be granted bail.
7. If ID parades are held, these must form part of the prosecution case.
8. Counseling must be provided not just to the victim but also to their family and anyone other person affected by the offence.

9. Child victim's parents must be allowed to accompany them into examination rooms at hospital.
10. Child victims must be afforded some protection when they are cross examined at trial.
11. Victims and their families must not be required to push for a matter to proceed to trial; this should happen as a matter of course through the prosecution.

**SUMMARY OF RECOMMENDATIONS (A Mental Health  
Therapist)**

1. There should be a police unit dealing with sexual offences which should be staffed by permanent experienced officers.
2. Police officers must be moved around departments less - they should become more specialized from an early stage of their careers.
3. Hospitals must have rape kits.
4. Cases must be investigated, prosecuted and brought to trial much more quickly. However, a case must not go to trial until the child is ready to testify.
5. Child victims should be able to give video evidence and not appear at trial because it is far too traumatic an experience for children.
6. There should not be an age restriction on how old a child must be before they can testify - it needs to be on a cases-by-case basis. If the only witness is the victim and they are under 7, then the accused will be acquitted.
7. Every single victim must be counseled.
8. More trained counselors are needed and persons that are not trained should not be able to call themselves counselors.
9. The Counseling Centre in Belize city needs at least 4 properly trained counselors and must be given funding to pay these counselors adequately.

10. Psychiatric nurses need to be given counseling training.
11. There should be a rape helpline for victims to call and this number must be well publicized.
12. When victims go to hospital they must be given the morning after pill, penicillin to prevent an STI and a prophylaxis kit to prevent HIV.
13. The police should not have any discretion on whether to investigate a rape/molestation/child abuse case, even if the family does not want to proceed with the case. It must no longer be the case of the victim; it is the state against the accused.
14. Family members should be counseled as well as the victim because they will be traumatized and they need to be dissuaded from wanting to drop the case.
15. When convicted child rapists come up for parole, the child and their family should be notified (in enough time) and given an opportunity to be heard.
16. The parole board should not be at the prison because this is a conflict of interest.
17. The head of the prison should not be on the board of parole because all a prisoner needs to do is befriend him - this is not impartial.
18. There ought to be more rehabilitation programmes in prison. There should be psycho-social rehabilitation for all offenders and especially child rapists.
19. There must be more awareness-raising and information of the public via TV/radio and at schools and colleges/universities on how to prevent rape (travel in groups, do not walk around at night, have protection for yourself etc.) and what to do if you are raped.

### **SUMMARY OF RECOMMENDATIONS (A Supreme Court Judge)**

1. Training courses should be held for judges. It is important that these courses are run by very qualified, respected and experienced people so the judges do not feel



patronised. Trainers from abroad would be useful so that they can teach the lessons learned in other jurisdictions.

2. Police need a lot of training on how to handle evidence properly, how to conduct themselves in court and fully investigate these offences. More investigation should be done by the police so that the prosecution is not required to investigate so much themselves.
3. The investigating officer should be required to follow the case from investigation to trial and attend the trial so that they can assist the prosecutor, if need be.
4. Crown Counsel should be required to second chair with an experienced Counsel or the DPP to gain experience before they prosecute on their own.
5. There ought to be a minimum number of years experience required before Crown Counsel can prosecute alone so that prosecution cases are strong and well presented.
6. Crown Counsel should be paid more so that they are satisfied enough to remain in the job. This retention of staff would lead to a more experienced number of prosecutors.

#### **SUMMARY OF RECOMMENDATIONS (A Hospital Chief of Staff)**

1. There should be a Protocol on the Management of rape and sexual assault and (equally importantly) this should be enforced. Many Protocols are introduced but then never followed.
2. Training for all hospital staff on the use of the Protocols so that there is consistency in how patients are treated.
3. Training for doctors on how to produce medical reports that are effective when used as part of the prosecution case.
4. Rape Kits should be provided to the hospitals and not just the police.
5. There ought to be state funding for DNA parental tests in cases of alleged incest.

6. A system is needed for how victims are referred to counseling, particularly in the case of foreign nationals.

**SUMMARY OF RECOMMENDATION (Women Development Officer  
in the Women's Department, Ministry of Human Development and Social Transformation)**

1. Creation of a Gender Department within the Domestic Violence Unit of Police Department.
2. Development of specially trained police officers who deal with sexual assault cases.
3. Less frequent transfer of police officers in the Domestic Violence Units that handle sexual assault cases.
4. Handling sexual assault cases more quickly.
5. Handling evidence in sexual assault cases more seriously—interviewee gave example of the police specimen from a rape kit being placed in the refrigerator at the Human Services office and never returned to retrieve it.
6. More sensitivity needed by police officers (both men and women) who handle cases and deal with victims.

## APPENDIXES

### Appendix A: Relevant Laws

- a) Rape
- b) Carnal Knowledge and unlawful Carnal Knowledge
- c) Unnatural Crime
- d) Forcible Abduction
- e) Incest
- f) Burglary with intention to rape...
- g) Assaults, including indecent assault
- h) Procurement

Chapter 101 of the Laws of Belize is the Criminal Code. The Criminal Code includes most of the laws defining and setting out the punishment for sexual assaults.

#### Rape and Like Crimes

46. Every person who commits rape or marital rape shall on conviction on indictment be imprisoned for a term which shall not be less than eight years but which may extend to imprisonment for life.

72. (1) A male spouse commits marital rape against the female spouse if the first mentioned spouse has sexual intercourse with the other spouse in any of the circumstances specified in subsection (2):-

(a) without the consent of the female spouse; and

(b) knowing that the female spouse does not consent to sexual intercourse, or recklessly not caring whether the female spouse consents or not.

(2) The circumstances referred to in subsection (1) are as follows:-

(a) the spouses have separated and thereafter have lived separately and apart within the meaning of the Married Persons (Protection) Act;

(b) there is in existence a separation agreement in writing between the spouses;

(c) proceedings for the dissolution of the marriage or for a decree of nullity of marriage have been instituted;

(d) there has been made or granted against one of the spouses an order or injunction, as the case may be, for non-cohabitation, non-molestation, ouster from the matrimonial home or the personal protection of the other spouse;

(e) one of the spouses has given an undertaking with regard to the matters specified in paragraph (d);

(f) the act of sexual intercourse is preceded or accompanied by or associated with, assault and battery, harm or injury to the female spouse.

(3) In this section, “spouse” means a party to marriage and does not include a party to a ‘common law union’.

(4) No prosecution shall be brought for the offence of marital rape except with the consent of the Director of Public Prosecutions.

73. Whenever, upon the trial for any crime punishable under this Code, it is necessary to prove carnal knowledge, the carnal knowledge shall be deemed complete upon proof of any or the least degree of penetration only.

#### Carnal Knowledge

47. (1) Every person who carnally knows a female child under the age of fourteen years, with or without her consent, shall on conviction on indictment be imprisoned for a term which shall not be less than twelve years but which may extend to imprisonment for life.

(2) Every person who-

(a) unlawfully and carnally knows any girl who is of or above the age of fourteen years but under the age of sixteen years; or

(b) unlawfully and carnally knows any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the

crime that the woman or girl was an idiot or imbecile, shall be guilty of an offence and on conviction thereof be imprisoned for a term which shall not be less than five years nor more than ten years:

Provided that with regard to paragraph (a) of this subsection-

(i) in the case of an accused person charged with a crime under that paragraph who is under the age of eighteen years, the presence of reasonable cause to believe that the girl was over the age of sixteen years shall be a valid defence on the first occasion on which such accused person is charged with a crime under that paragraph;

(ii) in the case of an accused person charged with a crime under that paragraph who is of the age of eighteen years or over, the presence of reasonable cause to believe that the girl was over the age of sixteen years shall be a mitigating circumstance for the purpose of sentence on the first occasion on which such accused person is charged with a crime under that paragraph, and in any such case the mandatory minimum sentence of five years prescribed above shall not apply.

(iii) no prosecution shall be commenced more than twelve months after the commission of the crime.

(3) Where a marriage is void in consequence of one of the parties thereto being under the age of fourteen years, a person charged with a crime under this section, or with indecent assault upon a girl with whom he went through the ceremony of marriage, may exonerate himself if he proves that, at the time when the crime is alleged to have been committed, he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife.

### Unnatural Crime

53. Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years.

### Forcible abduction

57. Every person who takes away or detains against her will a female of any age with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be liable to imprisonment for thirteen years.

### Incest

62. (1) Any male who carnally knows a female, who is to his knowledge his granddaughter, daughter, sister or mother, shall on conviction

thereof be liable to imprisonment for seven years:

Provided that if, on an information for that offence, it is alleged in the information and proved that the female is under the age of twelve years, the same punishment may be imposed as may be imposed under section 47 for carnally knowing a female under twelve years of age.

(2) It is immaterial that the carnal knowledge was had with the consent of the female.

(3) If any male attempts to commit the offence as aforesaid, he shall be guilty of a misdemeanour and on conviction thereof be liable to imprisonment for two years.

(4) On the conviction before any court of any male of an offence under this section against any female under eighteen years of age, the court may divest the offender of all authority over that female, and if the offender is her guardian, remove him from the guardianship and appoint any person or persons to be her guardian or guardians during her minority or any less period: Provided that the court may at any time vary or rescind the order by the appointment of any other person as the guardian or in any other respect.

63. Any female of or above the age of sixteen years who with consent permits her grandfather, father, brother or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) shall on conviction thereof be liable to imprisonment for seven years.

64. (1) All proceedings under sections 62 and 63 are to be held *in camera* if the court so orders.

(2) No prosecution for any offence under sections 62 and 63 shall be commenced without the written authority of the Director of Public Prosecutions

65. (1) Where a person is convicted on more than one occasion of a sexual offence as defined in subsection (2) below, the court shall, in addition to the penalties prescribed for such offence, order that such person -

- (a) undergo mandatory counselling and receive such medical or psychiatric treatment as the court may consider appropriate having regard to the facts of the case; and
- (b) shall not change his residence without prior notification to the Commissioner of Police and to the Director of Human Development in the Ministry responsible for Human Development, Women and Youth, and shall comply with such other requirements

as the Commissioner of Police may specify for the protection of the public.

- (2) In this section, “sexual offence” means rape, attempted rape, marital rape, carnal knowledge, forcible abduction, unnatural offence, incest or indecent assault.
- (3) Every person who contravenes or fails to comply with an order made under subsection (1) above shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one thousand dollars, or to both such fine and imprisonment.
- (4) It shall be the duty of the Superintendent of Prisons to notify the Commissioner of Police and the Director of Human Development as soon as the person referred to in subsection (1) above is released from the Prison after serving sentence for a sexual offence.

### Burglary

148. (1) A person is guilty of burglary if-

(a) he enters any building or part of a building as a trespasser and with intent to commit any such crime as is mentioned in subsection (2); or

(b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The crimes referred to in subsection (1) (a) are the crimes of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any woman therein, and of doing unlawful damage to the building or anything therein.

(3) References in subsections (1) and (2) to a building shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.

(4) A person guilty of burglary shall be punished as follows:

(a) *on conviction on indictment*, to a term of imprisonment which shall not be less than seven years but which may extend to fourteen years;

(b) *on summary conviction*, to a term of imprisonment which shall not be less than five years but which may

extend to ten years:

Provided that (whether the case is tried summarily or on indictment) the court may, in the case of a first time offender who has no previous conviction for any offence involving dishonesty or violence, refrain from imposing the minimum mandatory sentence prescribed above if there be special extenuating circumstances which the court shall record in writing, and in lieu thereof, pass such other sentence (whether custodial or non-custodial) as the court shall deem just having regard to the prevalence of the crime and other relevant factors.

### Assaults

44. Every person who unlawfully commits a common assault upon any other person shall be guilty of a misdemeanour.

45. Every person who commits an unlawful assault of any of the following kinds, namely-

(f) indecent assault on any person, whether male or female; or

(g) assault upon any male child or any female of such a nature that it cannot in the opinion of the court be adequately punished under section 44, shall be guilty of an aggravated assault and, on conviction thereof, be liable to imprisonment for two years:

Provided that in respect of an indecent assault upon a female or an aggravated assault upon any male child or any female, a person convicted under this section shall be liable to imprisonment for three years instead of two years.

### Procurement

49. Every person who procures or attempts to procure-

(a) any female under eighteen years of age, not being a common prostitute or of known immoral character, to have unlawful carnal knowledge either within or without Belize with any other person or persons; or

(b) any female to become, either within or without Belize, a common prostitute; or



(c) any female to leave Belize, with intent that she may become an inmate of or frequent a brothel; or

(d) either within or without Belize, any female to leave her usual place of abode in Belize (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either within or without Belize, shall be liable to imprisonment for five years.

**Appendix B: FASEAC petition**

**The Fathers Against Sexual Exploitation and Abuse of  
Children F.A.S.E.A.C.**

Petition to ensure that the Director of Public Prosecution's office be strengthen with additional qualified human resources as well as those of the Police's Prosecution Branch and Investigative Units. Equip the newly constructed Forensic Lab with a DNA testing machine and other pertinent forensic equipments, in a view to strengthen the prosecution's evidence in order to prove their cases beyond a reasonable doubt as required by law. Furthermore, advocate for a comprehensive system to be put in place to properly vet anyone chosen to be a jury in any case. Our hope is to improve our judicial system in an effort to protect and give equal access and justice to each citizen of Belize; especially the vulnerable victims – our women and children. Please sign to indicate your support of this cause.

NAME	SIGNATURE